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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,771	07/20/2004	Matthew D Walker	36-1832	7138
23117 7590 04/22/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
ANYIKIRE, CHIKAODILI E				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/501,771

Applicant(s)

WALKER ET AL.

Examiner

CHIKAODILI E. ANYIKIRE

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 11, 13 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This application is responsive to application number (10501771) filed on July 20, 2004. Claims 1-15 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed January 16, 2008 have been fully considered but they are not persuasive. Claims 1-10, 12, and 14 are pending.
3. The applicant argues that the prior art, Yavits, simple teaches inter-frame encoding of moving picture frames (Amendment of January 16, 2008; page 10 Ln 12). The examiner respectfully disagrees. The applicant seems to describe a still image is an I-frame followed by P frames (IPPP; page 11 Ln 28). The prior art, Yavits, discloses using an I-frame followed by a P-frame (Fig 15, Progressive video; paragraph [0171]). The applicant further argue that the prior art, Yavits, does not teach a user request to cause selection of a different for input to the encoder/decoder. The examiner respectfully disagrees. The prior art, Yavits, teach the capability to gain access to compressed data to provide a device with uncompressed digitized video and audio (paragraph [0073] Ln 7-9).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 4-9 rejected under 35 U.S.C. 102(e) as being anticipated by Yavits et al (US 2003/0048847).

As per **claim 1**, Yavits et al disclose a method of encoding video data (Fig 6), the method comprising:

capturing a plurality of still images (Fig 15, progressive video; paragraph [0171])
generating a first set of data by encoding a first image of the video data ([0079] and [0082]); generating one or more further sets of data by predictively encoding (Fig 6, 106) the first image, wherein the predictive encoding (Fig 6, 106) is performed with respect to a decoded version of the first image associated with a previously generated set of data ([0080]);

in response to a user request (Fig 6, 126) which selects a further image from said video data (paragraph [0073]; the prior art, Yavits, teach the capability to gain access to compressed data to provide a device with uncompressed digitized video and audio),
generating a first set of data representing the further image by predictively encoding (Fig 6, 106) the further image, wherein the predictive encoding (Fig 6, 106) is performed with respect to a decoded version of the first image associated with a previously generated set of data ([0080]); and

generating one or more further sets of data representing the further image by predictively encoding (Fig 6, 106) the further image, wherein the predictive encoding

(Fig 6, 106) is performed with respect to a decoded version of the further image associated with a previously generated set of data ([0079], [0080], and [0082]).

As per **claim 4**, Yavits et al disclose a method according to claim 1 wherein said still images (Fig 15, progressive video) are stored in a buffer (Fig 6, 122) for presentation for encoding on request of a user (Fig 6, 126; [0073]).

As per **claim 5**, Yavits et al disclose a method according to claim 1 wherein the request (Fig 6, 126) for the further image represents a pre-determined time in the video data before or after the first image ([0073]).

Regarding **claim 6**, arguments analogous to those presented for claim 1 are applicable for claim 6.

As per **claim 7**, Yavits et al disclose a video surveillance system (Fig 6; [0068]) comprising:

- a video capture device for capturing a plurality of images (Fig 10, 350; paragraph [0113]);

- a video encoding apparatus according to claim 6 for encoding video signals received from the video capture device (arguments analogous to those presented for claim 1);

- a user terminal (Fig 6, 126) including a video decoding device (Fig 9, 310) for decoding video signals ([0109]) received from the video encoding device (Fig 6) and a user interface (Fig 6, 126) for a user to input commands to be sent to the video encoding device ([0073]).

As per **claim 8**, Yavits et al disclose a video surveillance system (Fig 6; [0068]) according to claim 7 further including a buffer (Fig 6, 122) for storing said plurality of images for presentation for encoding on request of a user (Fig 6, 126; [0073]).

As per **claim 9**, Yavits et al disclose a method of decoding video data (Fig 9, 310), data representing plural still images (Fig 15, progressive video), said method comprising:

receiving a first set of data representing a first one of said plural still images (Fig 15, progressive; paragraph [0108] and [0109]);

decoding (Fig 9, 310) the first set of data to generate a decoded version of a first image ([0079], [0082], and [0109]);

decoding (Fig 9, 310) further received sets of data representing the first image with reference to a previously decoded version of the first still image (Fig 15, progressive video; paragraph [0080] and [0109]);

sending to a transmitting encoder a user request (Fig 6, 126) which selects a further image from the video data ([0073]);

decoding (Fig 9, 310) a received set of data representing the requested further image with reference to a previously decoded version of the first image so as to generate a decoded version of the further still image (paragraph [0080] and [0109]); and

decoding (Fig 9, 310) further received sets of data representing the further image with reference to a previously decoded version of the further image ([0080] and [0109]).

Regarding claim 10, arguments analogous to those presented for claim 1 are applicable for claim 10.

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Regarding claim 12, arguments analogous to those presented for claim 6 are applicable for claim 12.

Regarding claim 14, arguments analogous to those presented for claim 7 are applicable for claim 14.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yavits et al (US 2003/0048847) in view of (US 5,802,211).

As per **claim 2**, Yavits et al disclose a method according to claim 1, wherein the first set of data representing the further image is generated by predictive encoding (Fig 6, 106) with respect to the decoded version of the first image ([0080]).

However, Yavits et al does not explicitly teach associated with the immediately preceding generated set of data representing the first image.

In the same field of endeavor, King teaches associated with the immediately preceding generated set of data representing the first image (Col 1 Ln 56 – 67).

Therefore, it would have been obvious for one having ordinary skill in the art at the time of the invention to modify Yavits et al with the invention of King. The modification is advantageous because it reduces the transmission required.

As per **claim 3**, Yavits et al disclose a method according to claim 1 wherein each further set of data representing an image is generated by predictively encoding (Fig 6, 106) that image with respect to a decoded version of an image ([0080]).

However, Yavits et al does not explicitly teach associated with the immediately preceding generated set of data.

In the same field of endeavor, King teaches associated with the immediately preceding generated set of data (Col 1 Ln 56 – 67).

Therefore, it would have been obvious for one having ordinary skill in the art at the time of the invention to modify Yavits et al with the invention of King. The modification is advantageous because it reduces the transmission required.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKAODILI E. ANYIKIRE whose telephone number is (571)270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272 - 7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CEA/

/Andy S. Rao/

Primary Examiner, Art Unit 2621

April 18, 2008